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OFFICE OF PETITIONS

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224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

In re Application of :
Cheol Ho Joh et al :
Application No. 10/701,326 : **ON PETITION**
Filed: November 4, 2003 :
Attorney Docket No. CU-3430 WWP :

This is a decision on the renewed petition, filed June 11, 2009 under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

The Renewed Petition Under 37 CFR 1.137(b) submitted June 11, 2009 states "Included herewith are copies of letters sent by the Patent Prosecution Manager of Yuil International Patent and Law Firm (hereinafter Yuil) who currently represent the Applicant in the Republic of Korea." "In the letter of October 16, 2008 (enclosed), Yuil has instructed to proceed with revival of the unintentionally abandoned application." The Office record does not show receipt of copies of these letters.

Please note, in view of the inordinate delay (2 years or more from the March 24, 2006 date of abandonment) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was

unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment on March 24, 2006. That party, in turn must explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: (571) 273-8300
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Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.



Irvin Dingle
Petitions Examiner
Office of Petitions